

692 had been established in Fukien Province. ⁴ It was reported that in the Northern Special District of Kiangsu Province there were 22 county People's tribunals and 59 ch'u tribunals. ⁵

693 The political character of the tribunal can be detected by the composition of the adjudication committee, consisting of a president, a deputy, and several members half of whom were appointed by the People's government and half "elected" by the People's representatives drawn from the public security agencies, the Peasant's Association, and other mass organizations. In most cases, the county head and the ch'u head were concurrently the presidents of their respective tribunals.

692 The tribunal employed mass-trial and on-the-spot judgment as their main technique in adjudication. When cases were heard, the judges bombarded the masses with propaganda. The masses were sufficiently agitated to denounce those whom the Party had previously singled out for prosecution. After denunciations were made, judgment was passed by the masses and sentence rendered at the instigation of the adjudication committee controlled by the Party. Mass trials usually resorted to intimidation and violence. To obtain

4. Liberation Daily, April 4, 1951, p. 6; for their activities in the region, ibid., January 8, 1951, p. 1.

5. Ibid., April 7, 1951, p. 5.

692 wide coverage, "mobile trials," reaching into
695 every village, were conducted by the People's
tribunals.

692 During the Three-Anti and Five-Anti campaigns,
People's tribunals were organized in the ad-
ministrative units and in the armed forces. Di-
rectives issued by the Government Administration
Council prescribed the function and power of
the Three-Anti People's tribunals and the Five-
Anti People's tribunals.⁶ The president of the
tribunal was generally the head of the office.
Members of the committee were either activists of
the organizations concerned or representatives
from various Party-controlled organizations. The
power of the tribunal included the rendering of
the death sentence. Organized under the Muni-
cipal People's court, People's tribunals were in-
stalled in every ch'u, held mass trials, and en-
joyed enormous power.

The People's tribunals as weapons for the
suppression of opposition were so effective that
they were used again during the nationwide election
in 1953-54. The main function of the Election
People's Tribunal was to suppress and punish
violators and unqualified candidates and voters.
They were to work with the election committees
and were generally subordinate to the latter. As
of February 1954, at least 172 tribunals had been
organized among the first group of counties selected
for elections in Kiangsu Province.⁷

6. For text of the directives, see People's
Daily, March 31, 1952, p. 1; ibid., March 25,
1952, p. 1.

7. Liberation Daily, Feb. 7, 1954, p. 3.

692 In connection with the elimination of the
695 old system, Article 17 of the Common Program,
adopted in October 1949, declared the abolition
of all laws, decrees, and judicial systems of the
Kuomintang government, the complete abandon-
ment of the Kuomintang code, the Liu-fa Ch'uan-
shu [The Compendium of the Six Codes of the
Republic of China],¹¹ and the establishment of the
People's Judicial System. The Communists
specifically attacked the old system on four counts:
(a) the judiciary had been a weapon employed by
one class for the suppression of the opposing
class, instead of an instrument of the People's
dictatorship to serve the interests of the state;
(b) the exceedingly mechanical procedure of the
old courts should be condemned as bourgeois and
unnecessary; (c) the assumption of a purely
legalistic approach to a case did not reflect its
economic and social background and was contrary
to the socialist view of law; and (d) the use of
precedents for the adjudication of a case should
be discarded as a bourgeois practice.

On the other hand, the Communists defend
their system on "socialist" grounds and by intro-
ducing new concepts and techniques into the prac-
tice of the courts. They are: (a) the reduction of
appellate cases and the concentration of judicial
authority among the lower courts; (b) the adoption
of adjudication committees and the administration
of law by collegia; (c) the review and periodic
check of non-appellate cases by the higher courts;

11. Wu Ching-hsiung, Chung-hua Min-kuo
Liu-fa Hui-pien [Compendium of the Six Codes
of the Republic of China], 6 vols., Shanghai,
Hui-wen t'ang, 1947.

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AF 15

692(d) the conduct of "mobile trials"; (e) the use of
695 People's assessors, which, unlike the Western jury system, include representatives from various People's organizations; (f) the use of "comrade trial meetings" for cases involving ideology and labor discipline among Party members and workers in factories, offices, and enterprises; and (g) other methods, such as oral inquiries, on-the-spot investigations, the people's reception rooms, and mediation committees.

693 3. The Third Stage: (1953-1955). With the
692 gradual introduction of Communist concepts and teachings into the People's courts in the East China Region, new judicial personnel were trained. As a result of the second session of the National Judicial Conference held in September 1953, a directive was issued calling for the training in each region of 200-500 judicial workers.¹³ Those who joined the courts during the Judicial Reform Campaign were sent to schools for further training; a reported 205 schools for judicial personnel¹⁴ were in existence in 1952. Students of law and political science were also encouraged to join.

692 Effort was also made to strengthen judicial authority at lower levels and to establish special courts in industrial and mining organizations. As of July 1955, according to Shih-Liang, reporting at the Second Session of the National People's Conference, 3,795 circuit courts,¹⁵ and 157,966 mediation committees had been established at the lowest level; these 3,795 circuit courts were

13. People's Daily, Sept. 10, 1953, p. 1.

14. Liberation Daily, Nov. 10, 1952, p. 3.

15. People's Daily, July 30, 1955, p. 6.